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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

COMO'S OF FERNDALE, L.C.,

Defendant.

Case: 2:07-cv-14091
Assigned To: Lawson, David M
Referral Judge: Pepe, Steven D
Filed: 09-27-2007 At 02:33 PM
CMP EEOC V. COMO'S OF FERNDALE
LC (TAM)

**COMPLAINT AND JURY
TRIAL DEMAND**

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of race and national origin, and to provide appropriate relief to Awet Habtemichael and Aleen Hudson ("Charging Parties"), who were adversely affected by such practices. The Commission alleges that Defendant, Como's of Ferndale, L.C., ("Defendant") failed to hire to the Habtemichael and Hudson based on their race and/or national origin.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-5(f)(1) and (3) ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Eastern District of Michigan, Southern Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation, and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Como's of Ferndale, L.C., (the "Employer") has been a Michigan corporation doing business in the State of Michigan, City of Ferndale, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Employer has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g), and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g), and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Awet Habtemichael and Aleen Hudson filed charges with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least July 2006, Defendant Employer has engaged in unlawful employment practices at its Ferndale, Michigan facility in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a). The Defendant's unlawful employment practices include denying Habtemichael and Hudson employment applications and failing to hire them because of their race and/or national origin.

8. The effect of the practices complained of in paragraph 7, above, has been to

deprive Habtemichael and Hudson of equal employment opportunities and otherwise adversely affect their status as applicants for employment and employees.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Habtemichael and Hudson.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from denying hire to job applicants on the basis of race and/or national origin.

B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for African-American and African job applicants, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole Awet Habtemichael and Aileen Hudson by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial.

D. Order Defendant Employer to make whole Awet Habtemichael and Aileen Hudson, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, in amounts to be proven at trial.

E. Order Defendant Employer to make whole Awet Habtemichael and Aileen Hudson by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, in amounts to be proven at trial.

F. Order Defendant Employer to pay Awet Habtemichael and Aleen Hudson punitive damages for its malicious or reckless conduct described in paragraph 7 above, in amounts to be proven at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

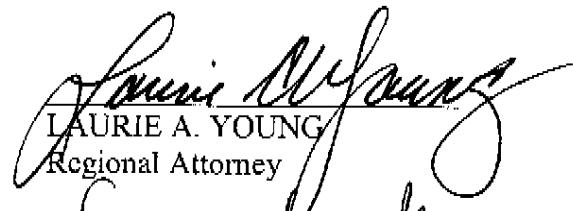
H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

DATED: September 27, 2007


LAURIE A. YOUNG
Regional Attorney


DEBORAH M. BARNO (P44525)
Supervisory Trial Attorney


TRINA R. MENGECHA (P59458)
Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

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Set and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers required by law, except as of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

PLAINTIFFS

EQUAL OPPORTUNITY COMMISSION

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

COMO'S OF FERNDALE, L.C.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY) Oakland

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Trina R. Mengesha, Trial Attorney (P59458)
Equal Employment Opportunity Commission
477 Michigan Avenue, Room 865, Detroit, MI 48226 (313) 226-4620

II. BASIS OF JURISDICTION (Select One Box Only)

- | | |
|---|---|
| <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity
(Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Select One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF
C	<input type="checkbox"/>	<input checked="" type="checkbox"/> Incorporated or Principal Place of Business	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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IV. NATURE OF SUIT (Select One Box Only)

CONTRACT	TORTS	FOREIGN/JURISDICTION	CIVIL RIGHTS
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 630 Liquor Laws	
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 640 R.R. & Truck	
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 650 Airline Regs.	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 660 Occupational Safety/Health	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 690 Oilier	
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability		
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury		
<input type="checkbox"/> 195 Contract Product Liability			
<input type="checkbox"/> 196 Franchise			
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 700 Antitrust & Monopoly
<input type="checkbox"/> 220 Foreclosure	<input checked="" type="checkbox"/> 442 Employment	<input type="checkbox"/> Hubens Corpus:	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
442	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 480 Consumer Credit
V. ORIGIN	CIVIL RIGHTS	PRISONER PETITIONS	FEDERAL TAX SUITS
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> Hubens Corpus:	<input type="checkbox"/> 720 Labor/Mgmt. Relations
	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 530 General	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 740 Railway Labor Act
	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 790 Other Labor Litigation
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 791 Impl. Ret. Inc. Security Act
		<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
			<input type="checkbox"/> 871 IRS Third Party 26 USC 7609
VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991		
	Brief description of cause: To correct unlawful employment practices on the basis of race and national origin.		
VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23		DEMAND \$
VIII. RELATED CASE(S) IF ANY	(See instructions):		CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	JUDGE		DOCKET NUMBER
DATE	SIGNATURE OF ATTORNEY OF RECORD		
September 27, 2007	<i>Trina R. Mengesha / phj</i>		
FOR OFFICE USE ONLY			
RECEIPT #	AMOUNT	APPLYING IFP	JUDGE MAG. JUDGE

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Is this a case that has been previously dismissed?

Yes

No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

Yes

No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :
